

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:14-CV-353-BO

HERBERT OVERTON, )  
v. )  
Plaintiff, )  
MARY ELLA (SMITH) JOHNSON, )  
Defendant. )

**ORDER**

This matter is before the Court on plaintiff Herbert Overton's motions for entry of default. [DE 19, 20, 21]. Rule 55(a) of the Federal Rules of Civil Procedure provides that the clerk must enter a party's default "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise . . ." Fed. R. Civ. P. 55(a). Plaintiff has not submitted an affidavit or other evidence in support of his motion. This is unsurprising. The Court dismissed plaintiff's complaint as frivolous on August 26, 2014, and defendant was never required to respond. [DE 14]. Accordingly, plaintiff's motions lack any legal basis and are DENIED.

SO ORDERED, this 27 day of April, 2015.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE